

ITEM NO.11 Court 4 (Video Conferencing) SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.2697/2022

(Arising out of impugned final judgment and order dated 02-02-2022 in WA No.32/2022 passed by the High Court for The State of Telangana at Hyderabad)

THE KALOJI NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES & ORS. Petitioner(s)

VERSUS

DEVENDER BANAVATH & ORS. Respondent(s)

(With appln.(s) for I.R. and IA No.24744/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 25-02-2022 This petition was called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT**

**For Petitioner(s) Ms. Madhavi Divan, ASG
 Mr. P. Venkat Reddy, Adv.
 Mr. Prashant Tyagi, Adv.
 Mr. P. Srinivas Reddy, Adv.
 M/s. Venkat Palwai Law Associates**

**For Respondent(s) Mr. Dama Seshadri Naidu, Sr. Adv.
 Mr. Ch. Leela Sarveswar, Adv.
 Mr. Kondaveeti Ravi, Adv.
 Ms. C. Rubavathi, Adv.**

Mr. M. Veeraragavan, Adv.
Mr. Anand Verdhan Maitrey, Adv.
Mr. M.A. Chinnasamy, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 We have heard Ms Madhavi Divan, learned Additional Solicitor General appearing on behalf of the petitioners and Mr Dama Seshadri Naidu, learned senior counsel appearing on behalf of the respondent – students.
- 2 Ms Madhavi Divan, ASG has urged that:
 - (i) Nearly 2000 students appeared for the post-graduate medical examination and only 84 students have failed the examination, out of which 12 are before the Court;
 - (ii) The High Court has proceeded on a misconception that there are four scanned copies of the answer scripts, whereas, as a matter of fact, only one scanned copy is provided for the purpose of being graded separately by four examiners, two of whom are internal examiners and two are external examiners;
 - (iii) The software which has been devised by Tata Consultancy Services enables a precise trail to be maintained of each examiner, based on facial recognition software; and
 - (iv) The records are stored in a server and, each examiner provides the assessment on a separate award sheet which is maintained in the server.
- 3 On these premises, it has been submitted that the directions contained in the judgment of the Single Judge requiring each examiner to upload the marks on

the answer sheets and to provide endorsements such as tick marks, cross marks or other remarks on the digital answer sheets would affect the integrity of the process.

- 4 We direct the petitioners to place on the record a comprehensive statement of the modalities which have been devised in the software to ensure the integrity and accuracy of the process which shall be done before the next date of listing.
- 5 Issue notice, returnable in three weeks.
- 6 Mr Dama Seshadri Naidu, learned senior counsel accepts notice on behalf of the respondent – students.
- 7 Liberty to serve the Standing Counsel for the State of Telangana, in addition.
- 8 Counter affidavit shall be filed within a period of two weeks from the date of service of the notice.
- 9 The judgment of the learned Single Judge, which has been affirmed by the Division Bench shall, till the next date of listing, be stayed in regard to the directions relating to (i) deferment of the supplementary examination; and (ii) the modalities to be followed for assessment of the answer sheets.
- 10 The petitioners are specifically permitted to conduct the supplementary examinations having due regard to the fact that the main examination is scheduled in April 2022, as stated by the learned ASG.
- 11 The respondent - students would be at liberty to participate in the supplementary examination without prejudice to their contentions in the present proceedings.

12 List the Special Leave Petition on 24 March 2022.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master